

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: NOCERA, Carmelo; CECCONI, Vito

SERIAL NO.: 10/518,984

ART UNIT: 1722

FILED: June 23, 2005

EXAMINER: Fetsuga, R. M.

TITLE: SIPHON FOR SINK OR SIMILAR ELEMENT

AMENDMENT "A"

Director of the U.S. Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of November 1, 2005, a response being due by February 1, 2006, please enter the present amendments and consider the following remarks:

REMARKS

Upon entry of the present amendments, previous Claims 1 - 8 have been canceled and new Claims 9 - 13 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of placing the claim language into a proper condition for allowance.

In the Office Action, it was indicated that Claims 1, 3, 4, 7 and 8 were rejected under 35 U.S.C. § 102(b) as anticipated Shinn patent. Claim 6 was rejected as being obvious under 35 U.S.C. § 103(a) over the Shinn patent. The Claims 2, 4, 5, 7 and 8 were rejected under 35 U.S.C. §112, first or second paragraphs, as lacking an enabling disclosure or as being indefinite. Additionally, the disclosure was objected to because of a minor informality. The drawings were also objected to

because of improper cross-hatching in Figure 1. Importantly, the Examiner has indicated that Claim 2 "is free of the prior art of record".

As an overview to the present reply, Applicant has amended the original independent Claim 1 in the form of new independent Claim 9. New independent Claim 9 incorporates the limitations of original Claim 1 along with the limitations of objected-to Claim 2. New independent Claim 9 expresses the original limitations in a more proper U.S. format, including proper antecedent bases and proper structural interrelationships throughout. Any indefinite terminology found in the original claim language has been corrected herein. Dependent Claims 10 - 12 correspond to the limitations found in original Claims 3 - 5. New dependent Claim 13 corresponds the limitations found in original Claim 7.

New independent Claim 9 recites that the "said upper portion and said lower portion are snapped together forcibly by said locking means". Although the Examiner has issued a rejection of Claim 2 under 35 U.S.C. §112, Applicant's attorney respectfully contends that this cannot be rejected based upon "new matter". This language was certainly found in the original claim language filed at the time of the filing of the present application. This "snappable" relationship is disclosed in the original drawings. The phrase "are snapped together forcibly" is found in original Claim 2. Additionally, in the specification, the "forcible snap-type assembly" is described in paragraph [0032] of the original specification. As such, Applicant respectfully contends that the limitations found in previous dependent Claim 2, now incorporated into independent Claim 9, are properly disclosed in the original filing.

Applicant has revised previous dependent Claim 4 in the form of new dependent Claim 11. New dependent Claim 11 is not "redundant" since independent Claim 9 specifies "at least one clip"

and dependent Claim 11 specifies "a single clip". Applicant has canceled the limitations found in previous dependent Claim 5 in view of the Examiner's objections. Dependent Claim 12 reflects the limitations of original dependent Claim 6. Applicant recites that "the clip and the hinge" are formed of "a polymeric material". Applicant has corrected the drawings so as to show proper cross-hatching for such "polymeric material".

With respect the rejection of Claim 7, Applicant has revised the language of new dependent Claim 13. In particular, dependent Claim 13 specifies that the upper portion has "a rim and a bottom thereof". This rim is clearly seen in Figure 1. Similarly, the bottom is indicating as having a rim at a top thereof. This rim at the top of the lower portion is illustrated in Figure 1. It can be seen that the rim at the bottom of the upper portion is embedded within the rim of the lower portion so as to facilitate the centering of the upper portion with respect to the lower portion.

Based upon the foregoing analysis, Applicant contends that independent Claim 9 is now in proper condition for allowance. Additionally, those claims which are dependent upon Claim 9 should also be in condition for allowance. Reconsideration of the rejections and allowance of the

claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

1-25-06

Date


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Amendment A: DRAWING AMENDMENTS

Please substitute the enclosed "Replacement Sheet" showing Figs. 1 - 2 in place of the originally submitted drawing sheet.